

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

LOUIS DANIEL SMITH, also known
as Daniel Smith, also known as Daniel
Votino; KARIS DELONG, also known
as Karis Copper; TAMMY OLSON;
and CHRIS OLSON,

Defendants.

NO: 13-CR-14-RMP-1

ORDER DENYING DEFENDANT
SMITH'S MOTION TO DISMISS
COUNT 1 OF THE INDICTMENT
FOR LACK OF FEDERAL
CRIMINAL JURISDICTION

BEFORE THE COURT is Defendant Louis Daniel Smith's "Motion to Dismiss Count 1 of the Indictment for Lack of Federal Criminal Jurisdiction," ECF No. 322. The motion was heard without oral argument. Defendant Smith is appearing in this matter *pro se*.¹ Christopher Parisi has appeared on behalf of the

¹ Defendant Smith's motions are liberally construed because he is appearing *pro se*. See, e.g., *United States v. Johnson*, 988 F.2d 941, 943 (9th Cir. 1993).

1 Government. The Court has considered the briefing and the file, and is fully
2 informed.

3 Count One of the Indictment in this case charges Defendants Smith, Karis
4 Delong, Tammy Olson, and Chris Olson with conspiracy to commit an offense
5 against the United States or to defraud the United States, in violation of 18 U.S.C.
6 § 371. ECF No. 1. Defendant Smith appears to contend that Congress lacked
7 legislative jurisdiction to criminalize a conspiracy under this statute.

8 The United States District Courts have been vested with original and
9 exclusive jurisdiction over all offenses against the laws of the United States. 18
10 U.S.C. § 3231; *see also United States v. Sitton*, 968 F.2d 947, 953 (9th Cir. 1992),
11 *abrogated on other grounds by Koon v. United States*, 518 U.S. 81, 96-100 (1996)
12 (“Federal courts have exclusive jurisdiction of offenses against the laws of the
13 United States under 18 U.S.C. § 3231; the permission of the states is not a
14 prerequisite to exercise of that jurisdiction.”).

15 Venue is proper in the Eastern District of Washington because “[v]enue for a
16 conspiracy charge is appropriate in any district where an overt act committed in the
17 course of the conspiracy occurred.” *See United States v. Angotti*, 105 F.3d 539,
18 545 (9th Cir. 1997) (quoting *United States v. Corona*, 34 F.3d 876, 879 (9th Cir.
19 1994)). The Indictment alleges several overt acts occurring within the Eastern
20 District of Washington. ECF No. 1.

Accordingly, **IT IS HEREBY ORDERED** that Defendant Louis Daniel Smith’s “Motion to Dismiss Count 1 of the Indictment for Lack of Federal Criminal Jurisdiction,” **ECF No. 322**, is **DENIED**.

DATED this 27th day of August 2014.

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FEDERAL CRIMINAL JURISDICTION ~ 3